



Joint Commission on Technology and Science

Virginia Consumer Data Protection Act Work Group

October 13, 2021, at 2:00 p.m.

Pocahontas Building, House Committee Room

<http://dls.virginia.gov/commission/jcots.htm>

The Virginia Consumer Data Protection Act Work Group (the Work Group) of the Joint Commission on Technology and Science (the Commission) met in Richmond with Delegate C.E. Cliff Hayes, Jr., chair, presiding.¹ The meeting began with introductions and opening remarks followed by presentations and discussion. Materials presented at the meeting are accessible through the [Commission's meetings webpage](#).

Topics Identified with Regard to Implementation of the Virginia Consumer Data Protection Act

Dana Wiggins, Virginia Poverty Law Center, Consumer Education

Ms. Wiggins stated that consumer education is paramount to consumer protection and suggested a dedicated website to educate consumers. She said polling and messaging and working with instructional designers will be helpful in educating consumers of the rights under the law. She recommended a browser extension as a global opt-out to exercise privacy rights. Ms. Wiggins concluded by reiterating the value of being clear about where the law does and doesn't meet consumer expectations to empower and educate consumers on the implementation of the law.

Members had questions about the browser extension, and Ms. Wiggins clarified that a tweak in the law will be needed to allow consumers an opportunity to opt out globally rather than individually opting out of each website. Some members had questions about the current state of the law and remedies of negligent consumer data violations. Samuel Towell, of the Office of the Attorney General, described the differences in available remedies under the Virginia Consumer Protection Act and the Virginia Consumer Data Protection Act (VCDPA). He noted that the VCDPA does not currently provide for a consumer to recover actual damages suffered from a violation of the VCDPA. Other legal theories may allow a consumer to recover through litigation unrelated to the VCDPA, but often the cost of such litigation in comparison to the potential recovery makes pursuing such an option impractical. Additionally, Mr. Towell stated that the VCDPA does not allow for the Office of the Attorney General to promulgate regulations, and that in any litigated matter under the VCDPA, a judge would decide any monetary award.

Discussion

At the conclusion of the presentation, members of the Work Group discussed next steps. Delegate Hayes noted that he will work with Senator David W. Marsden to suggest recommendations for funding the initial operations within the Office of the Attorney General. Specific recommendations will be made available prior to the final Work Group report due on

¹ **Members Present:** Delegate C.E. Cliff Hayes, Jr. (chair), Senator David W. Marsden (virtual), Stacey Gray (virtual), Jim Halpert (virtual), Kier Lamont, Evan Feinman, Samuel Towell, Dana Wiggins

Members Absent: Gil Bland, Marcus Thornton

November 1, 2021. Senator Marsden also encouraged future collaboration with other states while noting data protection legislation will not likely occur on the federal level.

Stacey Gray inquired about allowing written public comments. Staff confirmed that a notice will go out after the meeting and public comments will be made available to the members of the Work Group after the meeting.

Next Meeting

The Work Group's next meeting is at 2:00 p.m. October 25, 2021, in Richmond.

For more information, see the [*Commission's website*](#) or contact the Division of Legislative Services staff:

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